



STATE OF MAINE
 BOARD OF NURSING
 158 STATE HOUSE STATION
 AUGUSTA, MAINE
 04333-0158

JOHN ELIAS BALDACCI
 GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.
 EXECUTIVE DIRECTOR

IN RE: DEBORAH S. LAVINE, R.N.) **CONSENT AGREEMENT**
 of South Paris, Maine) **FOR VOLUNTARY**
 License # R035511) **SURRENDER OF LICENSE**

INTRODUCTION

This document is a disciplinary Consent Agreement regarding Deborah S. LaVine’s license to practice as a registered professional nurse in the State of Maine. The parties enter into this Consent Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A)(C) and 10 M.R.S.A. §§ 8003(5)(B) and (D). The parties to the Consent Agreement are: Deborah S. LaVine (“Ms. LaVine”); the Maine State Board of Nursing (“Board”); and the Office of the Attorney General, State of Maine. The parties reached this Consent Agreement on the basis of two complaints submitted to the Board: one dated June 20, 2008 from Marie Wilday, R.N., Resident Service Director (“RSD”) at Ledgeview Living Center (“Ledgeview”) located in West Paris; and a second dated July 10, 2008 from Tobin Piker, M.D. of Stephens Memorial Hospital located in Norway.

FACTS

1. Ms. LaVine has been licensed as a registered professional nurse in Maine since August 1992.
2. In March 2004, Ms. LaVine voluntarily surrendered her license pursuant to a Consent Agreement with the Board as discipline for drug diversion [Exhibit A].
3. In October 2007, the Board reinstated Ms. LaVine’s license pursuant to a Consent Agreement and placed it on probation for a period of five years [Exhibit B]. As a condition of her reinstatement, Ms. LaVine agreed to “abstain completely from the use of alcohol or drugs” except those prescribed from a treatment provider familiar with her substance abuse history [Exhibit B, Paragraph 6(a)].
4. Ms. LaVine was employed as a registered professional nurse at Ledgeview until June 19, 2008, when several staff members observed her falling asleep and acting strangely while on duty. When confronted by Marie Wilday, R.N., R.S.D., Ms. LaVine resigned.
5. Tobin Piker, M.D. is an emergency room physician at Stephens Memorial Hospital. On June 22, 2008, Ms. LaVine presented with a history of substance abuse and sought detox for recent abuse of over-the-counter cold medicines. Urine screens tested positive and gas chromatography analyses indicated the opiate in question to be morphine. Ms. LaVine does not have a valid prescription for morphine.



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6. The Board held an Informal Conference with Ms. LaVine on September 3, 2008. At that time, Ms. LaVine admitted that she stole and ingested morphine on one occasion from the residence of a friend who had recently died from cancer.
7. Deborah S. LaVine has offered to voluntarily surrender her registered professional nurse license to resolve these complaints in lieu of an adjudicatory hearing before the Board.

AGREEMENT

8. The Maine State Board of Nursing will accept Deborah S. LaVine's offer to voluntarily surrender her registered professional nurse license, #R035511.
9. Deborah S. LaVine neither admits nor denies the facts contained herein regarding the diversion of narcotics or other controlled substances from Ledgeview or that she used drugs at the time her drug tests showed positive; however, she acknowledges that if this matter went to a hearing before the Board, it is more likely than not the above-stated facts and underlying investigative information would support the Board's findings in this Consent Agreement.
10. Deborah S. LaVine understands that based upon the above-stated facts, this Consent Agreement imposes discipline regarding her license to practice registered professional nursing in the State of Maine. The grounds for discipline for violations under 32 M.R.S.A. §§ 2105-A(2)(A), (B), (E), (F), and (H) and Chapter 4, sections 1(A)(6) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
 - a. "A. The practice of fraud or deceit in connection with service rendered within the scope of the license issued."
 - b. "B. Habitual substance abuse that has resulted or is foreseeably likely to result in the licensee performing services in a manner that endangers the health or safety of patients."
 - c. "E. Incompetence in the practice for which the licensee is licensed [including]: (1) Engag[ing] in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public."
 - d. "F. Unprofessional Conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed." (See also Chapter 4, Section 1.A.6.)
 - e. "H. A violation of this chapter or a rule adopted by the board." (See also Chapter 4, Section 1.A.6.)

11. Deborah S. LaVine agrees and understands that her license will remain on surrender status and subject to the terms of this Consent Agreement indefinitely until and unless the Board, at Ms. LaVine's written request, votes to reinstate her license. Ms. LaVine agrees and understands that if the Board reinstates her license, it will be for a period of probation to be determined by the Board.
12. Deborah S. LaVine understands that this Consent Agreement affects her right to practice registered professional nursing in Maine. Ms. LaVine understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering the Consent Agreement.
13. Deborah S. LaVine shall not work or volunteer, in any capacity, for a health care provider as defined by Title 24 M.R.S.A. § 2502 (2) or in any position holding herself out as a registered professional nurse or with the designation "RN," including in a veterinarian's office, while her nursing license is surrendered. In addition, Ms. LaVine is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
14. The State of Maine is a "party state" that has adopted the Nurse Licensure Compact ("Compact"), which is set out in Chapter 11 of the Rules and Regulations of the Maine State Board of Nursing. The State of Maine is Ms. LaVine's "home state" of licensure and primary state of residence, which means that she has declared the State of Maine as her fixed permanent and principle home for legal purposes; her domicile. Other party states that are in the Compact are referred to as "remote states," which means party states other than the home state that have adopted the Compact. Ms. LaVine understands that this document is an Agreement that is subject to the Compact.
15. The Consent Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
16. Modification of the Consent Agreement must be in writing and signed by all parties.
17. The Consent Agreement is not subject to review or appeal by Ms. LaVine, but may be enforced by an action in the Superior Court.
18. Ms. LaVine affirms that she executes the Consent Agreement of her own free will.
19. The Consent Agreement becomes effective retroactively to September 3, 2008 upon the date of the last necessary signature below.

I, DEBORAH S. LAVINE, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: _____

Received by
Bd of Nursing
on 11/26/08 JW



DEBORAH S. LAVINE, R.N.

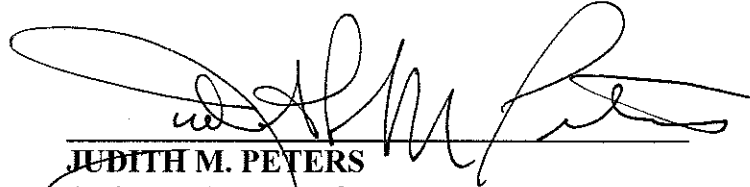
FOR THE MAINE STATE BOARD OF NURSING

DATED: Nov. 26, 2008 

MYRA A. BROADWAY, J.D., M.S., R.N.
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 12/4/08



JUDITH M. PETERS
Assistant Attorney General